

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMPEX CORPORATION,

Plaintiff,

V.

C.A. No. 04-1373 (KAJ)

EASTMAN KODAK COMPANY,
ALTEK CORPORATION, and
CHINON INDUSTRIES, INC.,

Defendants.

STIPULATED ORDER FOR ENTRY OF FINAL JUDGMENT

WHEREAS, on October 31, 2006, this Court entered an Order that granted Defendants' motion for summary judgment of noninfringement of U.S. Patent No. 4,821,121 ("the '121 patent");

WHEREAS, the October 31, 2006 Order resolves Plaintiffs' claims of infringement against Defendants and Defendants' counterclaims for a declaration of noninfringement of the '121 patent;

THEREFORE, THE COURT:

1. ADJUDGES AND DECLARES claims 7, 8, and 10-15 of the ‘121 patent are not infringed;
2. DISMISSES with prejudice Plaintiffs’ infringement claims against Defendants;
3. DISMISSES without prejudice Defendants’ counterclaims for declaratory judgment of invalidity and unenforceability as to all claims of the ‘121 patent.

4. ORDERS that defendants may, no later than 60 days after entry of this judgment, or 60 days after either entry of a mandate from the Court of Appeals with respect to any appeal taken from this judgment, or other termination of any appeal taken from this judgment, whichever is later, commence an action renewing its counterclaims in this action for declaratory judgment of invalidity and unenforceability as to all claims of the '121 patent, which action shall for all purposes be treated as a continuation of this action, including the right to seek costs and attorneys' fees, pursuant, *inter alia*, to 35 U.S.C. § 285 and/or Rule 54(d) and Rule 41(d), Fed. R. Civ. P.

Dated: _____

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IT IS SO ORDERED.

Dated: November ___, 2006

United States District Judge